

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON

IDA V. CANLAS and OPHELLO S. CANLAS, No. 2:18-CV-01175

Plaintiffs,

v.

JPMORGAN CHASE BANK, N.A.; MUFG
UNION BANK, N.A., and does 1-10,

Defendants.

JOINT MOTION TO VACATE
TRIAL DATES UNTIL SUMMARY
JUDGMENT IS GRANTED

NOTE ON MOTION CALENDAR:
October 29, 2019

Current Trial date: January 13, 2020

Plaintiffs Ida and Ophello Canlas, and Defendants MUFG Union Bank N.A., and
JPMorgan Chase Bank, N.A., through their counsel of record, jointly move as follows:

On October 10, 2019, Chase and Union Bank filed a motion for summary judgment which, if granted, would resolve the Complaint and dispose of this case. Under the Court's Scheduling Order and Local Rules, the Canlases' pretrial statement is due on November 13, 2019. Chase and Union Bank's pretrial statement is due on November 22, 2019. The pretrial LCR 16(k) conference is scheduled for December 3, 2019. Motions in limine are due on December 13, 2019. The pretrial order is due on January 3, 2020. Trial briefs are due on January 9, 2020.

Good cause exists to change the case schedule to continue the remaining deadlines. *See* Fed. R. Civ. P. 16(b)(4). While the parties would likely have been able to meet these dates, Chase and Union Bank's lead counsel, Fred Burnside, was in a severe bicycle accident on Thursday, October 10, 2019. He fractured his skull, broke his neck (requiring cervical spine surgery, with six pins and two rods), and has several other non-displaced thoracic fractures that need to heal

1 over at least 12-15 weeks. He also broke a rib and several teeth. He has dozens of stitches
2 mending other wounds. He is currently on pain medications. He may need further surgery to
3 repair his injuries. And it will take several months for him to recover. Currently, he cannot
4 prepare for the trial in this case, participate in the pre-trial filings coming up in November 2019,
5 or attend the trial in early January 2020. Burnside Dec. ¶¶ 2-3.

6 To potentially avoid preparing and filing unnecessary pretrial documents, to give Chase
7 and Union Bank's counsel time to heal, and to avoid inefficiency, the parties request the Court re-
8 set the briefing schedule for Chase and Union Bank's summary judgment motion, and vacate all
9 future, trial-related deadlines, to be re-set after the Court rules on Chase and Union Bank's
10 summary judgment motion. The parties request the following briefing schedule: the Canlases'
11 opposition is due by February 10, 2020 and Chase and Union Bank's reply is due by February 24,
12 2020.

13 Should the Court not vacate the trial date, the parties request that the trial date be set for
14 July 6, 2020 or the next date available thereafter on the Court's schedule and the corresponding
15 non-elapsed trial-related deadlines be based upon that date. This is the first time that the parties
16 have proposed moving scheduled dates.

17 DATED this 29th day of October, 2019.

18 Davis Wright Tremaine LLP
19 Attorneys for JPMorgan Chase Bank, N.A. and
MUFG Union Bank, N.A.

20 By /s/Fred B. Burnside

Fred B. Burnside, WSBA #32491

21 Frederick Haist, WSBA #48937

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23 DATED this 29th day of October, 2019.

24 Law Office of Melissa Huelsman
Attorneys for Ida and Ophello Canlas

25 By /s/Melissa Huelsman

26 Melissa Huelsman, WSBA # 30935

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CERTIFICATE OF SERVICE

I hereby certify that on October 29, 2019, I electronically filed the foregoing document with the Clerk of the Court using the CM/ECF system, which will send notification of such filing to the attorneys of record registered on the CM/ECF system. All other parties (if any) shall be served in accordance with the Federal Rules of Civil Procedure.

Dated this 29th day of October, 2019.

/s/Fred B. Burnside
Fred B. Burnside, WSBA #32491